

ELLIS:LAWHORNE

John J. Pringle, Jr.
Direct dial: 803/343-1270
jpringle@ellislawhorne.com

November 23, 2004

VIA ELECTRONIC MAIL AND FIRST-CLASS MAIL SERVICE

South Carolina Public Service Commission

ATTN: Docketing Department

Post Office Drawer 11649

Columbia, South Carolina 29211

RE: Petition to Establish Generic Docket to Consider Amendments
To Interconnection Agreements Resulting from Changes of Law
Docket No. 2004-316-C, Our File No. 528-10272

To Whom It May Concern:

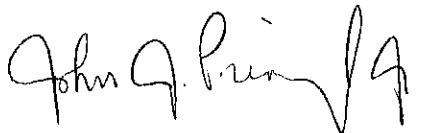
Enclosed is the original and ten (10) copies of the **Petition to Intervene** filed by Xspedius Communications, LLC in the above-referenced docket.

Please acknowledge your receipt of this document by file-stamping the copy of this letter enclosed, and returning it in the enclosed envelope. By copy of this letter, I am serving all parties of record and enclose my certificate of service to that effect.

If you have any questions or need additional information, please do not hesitate to contact me.

With kind regards, I am

Very truly yours,



John J. Pringle, Jr.

JJP/cr

cc: John J. Heitmann Esquire
Heather T. Hendrickson, Esquire
all parties of record

Enclosures

\\NAS\OFFICE\WIN\WFD\JOHN\NEW SOUTH COMMUNICATIONS LLC\Hull\South Completion\duke\envelope.wpd

**BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2004-316-C**

IN RE:)	
)	
Petition to Establish Generic Docket to)	
Consider Amendments to Interconnection)	PETITION TO INTERVENE
Agreements Resulting from Changes of Law)	
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Xspedius Communications, LLC ("Xspedius" or "Petitioner"), on behalf of its operating subsidiaries Xspedius Management Co. Switched Services, LLC ("Xspedius Switched"), Xspedius Management Co. of Charleston, LLC ("Xspedius Charleston"), Xspedius Management Co. of Columbia, LLC ("Xspedius Columbia"), Xspedius Management Co. of Greenville, LLC ("Xspedius Greenville") and Xspedius Management Co. of Spartanburg, LLC ("Xspedius Spartanburg") by its undersigned attorney, hereby Petitions the South Carolina Public Service Commission (the "Commission"), pursuant to Rule 103-836 of the Commission's Rules, for an order allowing Xspedius to intervene in the above-captioned Docket on behalf of its operating affiliates in South Carolina, with full rights to participate as a party of record. In support of its Petition, Xspedius would show the Commission the following:

1. Xspedius is a limited liability company ("LLC") whose operating affiliates hold various certificates of public convenience and necessity issued by this Commission.
2. BellSouth filed its Petition to Establish Generic Docket with this Commission on November 3, 2004, requesting that the Commission convene a docketed generic proceeding and hold an evidentiary hearing (as necessary) to determine what changes recent decisions from the Federal Communication Commission ("FCC") and the United

States Court of Appeals for the District of Columbia Circuit (“DC Circuit”) require in existing approved interconnection agreements between BellSouth and competitive local exchange carriers (“CLECs”) in South Carolina.

3. Petitioner has a vital interest in this Docket, as its affiliates operate pursuant to an interconnection agreement with BellSouth, and will thus be affected by any decision the Commission makes in this proceeding.
4. Petitioner seeks to assist the Commission in its designation of the issues to be determined in this proceeding, and advocate its position with respect to those issues.
5. The full name and address of the authorized representatives of Petitioner are:

John J. Pringle, Jr., Esquire
Ellis, Lawhorne & Sims, P.A.
P.O. Box 2285
Columbia SC 29202
Telephone: (803) 779-0066 (telephone)
Facsimile: (803) 799-8479 (facsimile)

John J. Heitmann, Esquire and
Heather T. Hendrickson
Kelley Drye & Warren LLP
1200 Nineteenth Street, N.W.
Suite 500
Washington, D.C. 20036
(202) 955-9600 (telephone)
(202) 955-9792 (facsimile)

6. Petitioner asserts that the granting of its Petition to Intervene will not in any way delay the proceedings in this Docket.

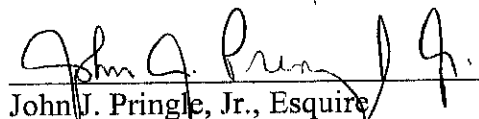
WHEREFORE, Petitioner prays for the Commission to

- a) Grant this Petition to Intervene and make Petitioner a party of record in Docket Number 2004-316-C, allowing Petitioner to participate fully and take such positions as it deems advisable; and

- b) Grant such other relief as the Commission deems just and proper.

Respectfully submitted,

ELLIS, LAWHORNE & SIMS, P.A.

A handwritten signature in dark ink, appearing to read "John J. Pringle, Jr.", is written over a horizontal line.

John J. Pringle, Jr., Esquire
1501 Main Street, Fifth Floor
P.O. Box 2285
Columbia, South Carolina 29202

Attorney for Xspedius Communications LLC

November 23, 2004
Columbia, South Carolina

**BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2004-316-C**

IN RE:)
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Petition to Establish Generic Docket to)
Consider Amendments to Interconnection)
Agreements Resulting from Changes of Law)
_____)

CERTIFICATE OF SERVICE

This is to certify that I have caused to be served this day, one (1) copy of the **Petition to Intervene** by placing a copy of same in the care and custody of the United States Postal Service (unless otherwise specified), with proper first-class postage affixed hereto and addressed as follows:

Patrick Turner, Esquire
BellSouth Telecommunications, Inc.
PO Box 752
Columbia SC 29202-0752

E. Earl Edenfield, Jr.
BellSouth Telecommunications, Inc.
Legal Department – Suite 4300
675 W. Peachtree Street, NE
Atlanta GA 30375



Carol Roof

November 23, 2004
Columbia, South Carolina